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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,820	03/08/2004	Koji Takahashi	P1317US	2760
1218	7590	10/19/2005	EXAMINER	
CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			BONCK, RODNEY H	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/795,820

Applicant(s)

TAKAHASHI, KOJI

Examiner

Rodney H. Bonck

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,10-16,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,10-16,18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/22/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

The following action is in response to the amendment received September 22, 2005.

Drawings

Receipt is acknowledged of the replacement sheet of drawings adding Fig.13. Addition of the new figure is approved, and the objection to the drawings set forth in the previous Office action is withdrawn.

Information Disclosure Statement

Receipt is acknowledged of the Information Disclosure Statement filed September 22, 2005. The cited document was already cited in the IDS filed March 8, 2004 and has been considered.

Specification

The amendments to the specification overcome the objection set forth in the previous Office action. Accordingly, the objection is withdrawn.

Claim Rejections - 35 USC § 112

The amendments to claims 1 and 11 overcome the rejection under 35 USC 112, second paragraph, set forth in the previous Office action. The rejection is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuhisa(JP 8-320031 A) in view of Heimann('787). Kazuhisa discloses a pulsation dampening apparatus comprising a housing 2 with a dampening chamber 4 and a dampening assembly including a working unit having a dampening member 5 and a circular fulcrum 7 at an outer periphery of the dampening member. The working unit is retained by a lip of the housing deformed inwardly at 2a. Heimann discloses an elastic retainer for retaining element 37, 37a, or 37b (Figs. 3-5) in a housing 32. The retainer is a C-shaped retaining ring 30, 30a, 30b elastically preloaded from its free state and cooperating with a force conversion mechanism comprised of a cam surface 33 or 33a in a groove on the housing or cam surfaces on both the housing and the ring (Fig. 5). As seen in Figs. 13 and 14 of Heimann, the retaining ring can have slopes on both outer peripheral sides. It would have been obvious to use a C-shaped retaining ring, as in Heimann, to retain the working unit in Kazuhisa, the motivation being to eliminate the need to deform the housing 2. Note that Kazuhisa further provides a seal at 10.

Claims 6, 10-16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuhisa(JP 8-320031 A) in view of Heimann('787) as applied to claims 1-5 and 8 above, and further in view of Takahashi(JP2000-2270 A). As seen in Fig. 2 of Kazuhisa, the dampening apparatus is provided in the hydraulic circuit between the master cylinder 72 and the slave cylinder 82. Takahashi discloses a clutch master cylinder wherein the cylinder body 2 has a housing 14 integrally formed therein for receiving a dampening apparatus. It would have been obvious to similarly provide the housing of Kazuhisa integrally with the master cylinder 72, the motivation being to reduce the number of separate parts. Takahashi also suggests providing a cover member 26 between the retainer and the fulcrum. It would have been obvious to similarly provide a cover in the device of Kazuhisa, the motivation being to protect the dampening apparatus from dirt and moisture.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The claims now require a circular fulcrum whereas the fulcrum in the previously applied reference was coiled and not completely circular.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

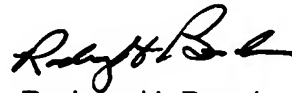
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
October 16, 2005

Approved
10/14/05

Appl. No. 10/795,820
REPLACEMENT SHEET



FIG. 13

